(XLVIth YEAR.) THE (No. 2301.)

MARYLAND GAZETTE.

THURSDAY, MARCH 10, 1791.

CONGRESS of the UNITED STATES.

At the third ſeſſion, begun and held at the city of Philadelphia, on Monday the ſixth of December, one thouſand ſeven hundred and ninety.

An ACT to incorporate the ſubſcribers to the bank of the United States.

WHEREAS it is conceived that the eſtabliſhment of a bank for the United States, upon a foundation ſufficiently extenſive to anſwer the purpoſes intended thereby, and at the ſame time upon the principles which afford adequate ſecurity for an upright and prudent adminiſtration thereof, will be very conducive to the ſucceſsful conducting of the national finances; will tend to give facility to the obtaining of loans, for the uſe of the government, in ſudden emergencies; and will be productive of conſiderable advantages to trade and induſtry in general; Therefore,

I. *Be it enacted by the Senate and Houſe of Repreſentatives of the United States of America in Congreſs aſſembled*, That a bank of the United States ſhall be eſtabliſhed; the capital ſtock whereof ſhall not exceed ten millions of dollars, divided into twenty-five thouſand ſhares, each ſhare being four hundred dollars; and that ſubſcriptions, towards conſtituting the ſaid ſtock, ſhall, on the firſt Monday of April next, be opened at the city of Philadelphia, under the ſuperintendence of ſuch perſons, not leſs than three, as ſhall be appointed for that purpoſe by the preſident of the United States (who is hereby empowered to appoint the ſaid perſons accordingly) which ſubſcriptions ſhall continue open, until the whole of the ſaid ſtock ſhall have been ſubſcribed.

II. *And be it enacted*, That it ſhall be lawful for any perſon, co-partnerſhip, or body politic, to ſubſcribe for ſuch or ſo many ſhares, as he, ſhe or they, ſhall think fit, not exceeding one thouſand, except as ſhall be hereafter directed relatively to the United States; and that the ſums, reſpectively ſubſcribed, except on behalf of the United States, ſhall be payable one fourth in gold and ſilver, and three fourths in that part of the public debt, which, according to the loan propoſed in the fourth and fifteenth ſections of the act, entitled, "An act making proviſion for the debt of the United States," ſhall bear an accruing intereſt, at the time of payment, of ſix per centum per annum, and ſhall alſo be payable in four equal parts, in the aforeſaid ratio of ſpecie to debt, at the diſtance of ſix calender months from each other; the firſt whereof ſhall be paid at the time of ſubſcription.

III. *And be it further enacted*, That all thoſe, who ſhall become ſubſcribers to the ſaid bank, their ſucceſſors and aſſigns, ſhall be, and are hereby created and made a corporation and body politic, by the name and ſtyle of *The preſident, directors and company, of the bank of the United States*, and ſhall ſo continue, until the 4th day of March one thouſand eight hundred and eleven; and by that name, ſhall be, and are hereby made able and capable in law, to have, purchaſe, receive, poſſeſs, enjoy, and retain to them and their ſucceſſors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality ſoever, to an amount, not exceeding in the whole fifteen millions of dollars, including the amount of the capital ſtock aforeſaid, and the ſame to ſell, grant, demiſe, alien, or diſpoſe of; to ſue and be ſued, plead and be impleaded, anſwer and be anſwered, defend and be defended, in courts of record, or any other place whatſoever: And alſo to make, have, and uſe a common ſeal, and the ſame to break, alter and renew, at their pleaſure; and alſo to ordain, eſtabliſh, and put in execution, ſuch by-laws, ordinances and regulations, as ſhall ſeem neceſſary and convenient for the government of the ſaid corporation, not being contrary to law, or to the conſtitution thereof (for which purpoſe, general meetings of the ſtockholders ſhall and may be called by the directors, and in the manner herein after ſpecified) and generally to do and execute all and ſingular acts, matters and things, which to them it ſhall or may appertain to do; ſubject nevertheleſs to the rules, regulations, reſtrictions, limitations and proviſions, herein after preſcribed and declared.

IV. *And be it further enacted*, That for the well ordering of the affairs of the ſaid corporation, there ſhall be twenty-five directors, of whom their ſhall be an election, on the firſt Monday of January in each year, by the ſtockholders or proprietors of the capital ſtock of the ſaid corporation, and by plurality of the votes actually given; and thoſe, who ſhall be duly choſen at any election, ſhall be capable of ſerving as directors, by virtue of ſuch choice, until the end or expiration of the Monday of January next enſuing the time of ſuch election, and no longer. And the ſaid directors, at their firſt meeting after each election, ſhall chooſe one of their number as preſident.

V. *Provided always, and be it further enacted*, That, as ſoon as the ſum of four hundred thouſand dollars, in gold and ſilver, ſhall have been actually received on account of the ſubſcriptions to the ſaid ſtock, notice thereof ſhall be given, by the perſons under whoſe ſuperintendence the ſame ſhall have been made, in at leaſt two public gazettes printed in the city of Philadelphia; and the ſaid perſons ſhall, at the ſame time in like manner, notify a time and place within the ſaid city, at the diſtance of ninety days from the time of ſuch notification, for proceeding to the election of directors; and it ſhall be lawful for ſuch election to be then and there made; and the perſons, who ſhall then and there be choſen, ſhall be the firſt directors, and ſhall be capable of ſerving, by virtue of ſuch choice, until the end or expiration of the Monday in January next enſuing the time of making the ſame, and ſhall forthwith thereafter commence the operations of the ſaid bank, at the ſaid city of Philadelphia. And provided further, that, in caſe it ſhould at time happen, that an election of directors ſhould not be made upon any day when purſuant to this act it ought to have been made, the ſaid corporation ſhall not for that cauſe be deemed to be diſſolved; but it ſhall be lawful, on any other day, to hold and make an election of directors, in ſuch manner as ſhall have been regulated by the laws and ordinances of the ſaid corporation. And provided laſtly, that in caſe of the death, reſignation, abſence from the United States, or removal of a director by the ſtockholders, his place may be filled up, by a new choice, for the remainder of the year.

VI. *And be it further enacted*, That the directors for the time being ſhall have power to appoint ſuch officers, clerks, and ſervants under them, as ſhall be neceſſary for executing the buſineſs of the ſaid corporation, and to allow them ſuch compenſation, for their ſervices reſpectively, as ſhall be reaſonable; and ſhall be capable of exerciſing ſuch other powers and authorities, for the well governing and ordering of the affairs of the ſaid corporation, as ſhall be deſcribed, fixed, and determined by the laws, regulations and ordinances of the ſame.

VII. *And be it further enacted*, That the following rules, reſtrictions, limitations and proviſions, ſhall form and be fundamental articles of the conſtitution of the ſaid corporation, viz.

1. The number of votes, to which each ſtockholder ſhall be entitled, ſhall be according to the number of ſhares he ſhall hold, in the proportions following: That is to ſay, for one ſhare, and not more than two ſhares, one vote: For every two ſhares above two, and not exceeding ten, one vote: For every four ſhares above ten, and not exceeding thirty, one vote: For every ſix ſhares above thirty, and not exceeding ſixty, one vote: For every eight ſhares above ſixty, and not exceeding one hundred, one vote: And for every ten ſhares above one hundred, one vote: But no perſon, co-partnerſhip or body politic, ſhall be entitled to a greater number than thirty votes. And after the firſt election, no ſhare or ſhares ſhall confer a right of ſuffrage, which ſhall not have been holden three calender months previous to the day of election. Stockholders actually reſident within the United States, and none other, may vote in elections by proxy.

2. Not more than three fourths of the directors in office, excluſive of the preſident, ſhall be eligible for the next ſucceeding year: But the director, who ſhall be preſident at the time of an election, may always be re-elected.

3. None but a ſtockholder, being a citizen of the United States, ſhall be eligible as a director.

4. No director ſhall be entitled to any emolument, unleſs the ſame ſhall have been allowed by the ſtockholders at a general meeting. The ſtockholders ſhall make ſuch compenſation to the preſident, for his extraordinary attendance at the bank, as ſhall appear to them reaſonable.

5. Not leſs than ſeven directors ſhall conſtitute a board for the tranſaction of buſineſs, of whom, the preſident ſhall always be one, except in caſe of ſickneſs, or neceſſary abſence; in which caſe, his place may be ſupplied by any other director, whom he, by writing under his hand, ſhall nominate for the purpoſe.

6. Any number of ſtockholders, not leſs than ſixty, who together ſhall be proprietors of two hundred ſhares or upwards, ſhall have power at any time to call a general meeting of the ſtockholders, for purpoſes relative to the inſtitution, giving at leaſt ten weeks notice, in two public gazettes of the place where the bank is kept, and ſpecifying, in ſuch notice, the object or objects of ſuch meeting.

7. Every caſhier or treaſurer, before he enters upon the duties of his office, ſhall be required to give bond, with two or more ſureties, to the ſatisfaction of the directors, in a ſum not leſs than fifty thouſand dollars, with condition for his good behaviour.

8. The lands, tenements and hereditaments, which it ſhall be lawful for the ſaid corporation to hold, ſhall be only ſuch as ſhall be requiſite for its immediate accommodation in relation to the convenient tranſacting of its buſineſs, and ſuch as ſhall have been bona fide mortgaged to it by way of ſecurity, or conveyed to it in ſatisfaction of debts previouſly contracted in the courſe of its dealings, or purchaſed at ſales upon judgments which ſhall have been obtained for ſuch debts.

9. The total amount of the debts, which the ſaid corporation ſhall at any time owe, whether by bond, bill, note, or other contract, ſhall not exceed the ſum of ten millions of dollars, over and above the monies then actually depoſited in the bank for ſafe-keeping, unleſs the contracting of any greater debt ſhall have been previouſly authoriſed by a law of the United States. In caſe of exceſs, the directors, under whoſe adminiſtration it ſhall happen, ſhall be liable for the ſame, in their natural and private capacities; and an action of debt, may in ſuch caſe, be brought againſt them, or any of them, their or any of their heirs, executors or adminiſtrators, in any court of record of the United States, or of either of them, by any creditor or creditors of the ſaid corporation, and may be proſecuted to judgment and execution; any condition, convenant or agreement to the contrary notwithſtanding. But this ſhall not be conſtrued to exempt the ſaid corporation, or the lands, tenements, goods or chattels of the ſame, from being alſo liable for and chargeable with the ſaid exceſs. Such of the ſaid directors, who may have been abſent when the ſaid exceſs was contracted or created, or who may have diſſented from the reſolution or act whereby the ſame was ſo contracted or created, may reſpectively exonerate themſelves from being ſo liable, by forthwith giving notice of the fact, and of their abſence or diſſent, to the preſident of the United States, and to the ſtockholders, at a general meeting, which they ſhall have power to call for that purpoſe.

10. The ſaid corporation may ſell any part of the public debt whereof its ſtock ſhall be compoſed, but ſhall not be at liberty to purchaſe any public debt whatſoever; nor ſhall directly or indirectly deal or trade in any thing, except bills of exchange, gold or ſilver bullion, or in the ſale of goods really and truly pledged for money lent and not redeemed in due time; or of goods which ſhall be the produce of its lands. Neither ſhall the ſaid corporation take more than at the rate of ſix per centum per annum, for or upon its loans or diſcounts.

11. No loan ſhall be made by the ſaid corporation, for the uſe or on account of the government of the United States, to an amount exceeding one hundred thouſand dollars, or of any particular ſtate to an amount exceeding fifty thouſand dollars, or of any foreign prince or ſtate, unleſs previouſly authoriſed by a law of the United States.

12. The ſtock of the ſaid corporation ſhall be aſſignable and tranſferrable, according to ſuch rules as ſhall be inſtituted in that behalf, by the laws and ordinances of the ſame.

13. The bills obligatory and of credit, under the ſeal of the ſaid corporation, which ſhall be made to any perſon or perſons, ſhall be aſſignable by endorſement thereupon, under the hand or hands of ſuch perſon or perſons, and of his, her, or their aſſignee or aſſignees, and ſo as abſolutely to tranſfer and veſt the property thereof in each and every aſſignee or aſſignees ſucceſſively, and to enable ſuch aſſignee or aſſignees to bring and maintain an action thereupon in his, her, or their own name or names.—And bills or notes, which may be iſſued by order of the ſaid corporation, ſigned by the preſident, and counterſigned by the principal caſhier or treaſurer, promiſing the payment of money to any perſon or perſons, his, her or their order, or to bearer, though not under the ſeal of the ſaid corporation, ſhall be binding and obligatory upon the ſame, in the like manner, and with the like force and effect, as upon any private perſon or perſons, if iſſued by him or them, in his, her, or their private or natural capacity or capacities; and ſhall be aſſignable and negotiable, in like manner, as if they were ſo iſſued by ſuch private perſon or perſons—That is to ſay, thoſe, which ſhall be payable to any perſon or perſons, his, her, or their order, ſhall be aſſignable by endorſement, in like manner, and with the like effect, as foreign bills of exchange now are; and thoſe, which are payable to bearer, ſhall be negotiable and aſſignable by delivery only.

14. Half-yearly dividends ſhall be made of ſo much of the profits of the bank, as ſhall appear to the directors adviſeable; and once in every three years, the directors ſhall lay before the ſtockholders, at a general meeting, for their information, an exact and particular ſtatement of the debts, which ſhall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the ſurplus of profit, if any, after deducting loſſes and dividends. If there ſhall be a failure in the payment of any part of any ſum, ſubſcribed by any perſon, co-partnerſhip, or body politic, the party failing ſhall loſe the benefit of any dividend, which may have accrued, prior to the time for making ſuch payment, and during the delay of the ſame.

15. It ſhall be lawful for the directors aforeſaid, to eſtabliſh offices wheneſoever they ſhall think fit, within the United States, for the purpoſes of diſcount and depoſite only, and upon the ſame terms, and in the

same manner, as shall be practised at the bank; and to commit the management of the said offices, and the making of the said discounts, to such persons, and under such agreements, and subject to such regulations as they shall deem proper, not being contrary to law, or to the constitution of the bank.

16. The officer, at the head of the treasury department of the United States, shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts, in the books of the bank, as shall relate to the said statements: Provided that this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

VIII. *And be it further enacted*, That, if the said corporation, or any person or persons, for or to the use of the same, shall deal or trade in buying or selling any goods, wares or merchandise, or commodities whatsoever, contrary to the provisions of this act, all and every person and persons, by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandises and commodities, in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered with costs of suit.

IX. *And be it further enacted*, That, if the said corporation shall advance or lend any sum, for the use or on account of the government of the United States, to an amount exceeding one hundred thousand dollars; or of any particular state to an amount exceeding fifty thousand dollars; or of any foreign prince, or state, (unless previously authorised thereto by a law of the United States) all and every person and persons, by and with whose order, agreement, consent, approbation or connivance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay, for every such offence, treble the value or amount of the sum or sums, which shall have been so unlawfully advanced or lent; one fifth thereof to the use of the informer, and the residue thereof to the use of the United States; to be disposed of by law, and not otherwise.

X. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the United States.

XI. *And be it further enacted*, That it shall be lawful for the president of the United States, at any time or times, within eighteen months after the first day of April next, to cause a subscription to be made to the stock of the said corporation, as part of the aforesaid capital stock of ten millions of dollars, on behalf of the United States, to an amount not exceeding two millions of dollars; to be paid out of the monies which shall be borrowed by virtue of either of the acts, the one entitled, "An act making provision for the debt of the United States;" and the other entitled, "An act making provision for the reduction of the public debt;" borrowing of the bank an equal sum, to be applied to the purposes for which the said monies shall have been procured; reimbursable in ten years, by equal annual instalments; or at any time sooner, or in any greater proportions that the government may think fit.

XII. *And be it further enacted*, That no other bank shall be established by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS, Vice-President of the United States, and president of the Senate.

Approved, February 25th, 1791.
GEORGE WASHINGTON, President of the United States.

An ACT regulating the number of representatives to be chosen by the states of Kentucky and Vermont.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until the representatives in congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the states of Kentucky and Vermont shall each be entitled to choose two representatives.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS, Vice-President of the United States, and president of the Senate.

Approved February 25th, 1791.
GEORGE WASHINGTON, President of the United States.

KINGSTON, *December* 25.

INFORMATION is received by the Rover, that the Musquito Indians, after having treated colonel Hudson with every indignity, and reluctantly spared his life, through the intercessions of his lady, finally drove him from his possessions, and compelled the unhappy couple with their family to quit the settlement in a small canoe.

The insurrection among the free people of colour in Hispaniola, is said to be completely quelled. Upwards of 300 are in close custody, and among them are a general, two major-generals, several colonels, captains, and other officers. The colonists are so highly incensed, and the necessity of a severe example has become so urgent, that it is believed near 250 of the insurgents will atone for their rebellion by the loss of life.

NEW-YORK, *February* 28.

Captain Henry Williams, in the schooner Polly, in 28 days, from Cape-François, arrived here yesterday. About the 7th of November the citizens of the Cape had an engagement with the rebels under the mulatto rebel chief Oujai, killed a number and took 130 prisoners; after that, Oujai with about 20 of his gang fled to the Spanish lines.—The Spanish governor sent an express to the Cape informing that he had secured him. Immediately a French frigate was sent after him, and on the 8th of December he was landed at the Cape. He had a large ring around his neck, and two chains; one fast round his body, ipcircling his thighs, and fastened to his legs: the other also went round his body and arms, and fastened to his wrist.—In that condition he was landed, and guarded by 400 regular troops, and 6000 militia. He was upon trial when captain Williams sailed, and would most assuredly suffer an ignominious death. Peace was effectually restored.

PHILADELPHIA, *March* 2.

Extract of a letter from Ohio country, February 19.

"This will be handed to you by a person who is to carry a petition from the inhabitants of this and Washington county, to the president, setting forth our dangerous situation. Six men being over the river hunting, and on their return homewards, were overtaken (Saturday 29th January) about break of day the Indians fired on them as they lay sleeping in their camp, and also rushed in with their tomahawks, and what is still surprising, only one man was killed, the other five got off clear, only two of them were wounded, and were almost naked; they had to come about 30 miles through the frost, to Wheeling, where they lived. On Friday the 11th instant, about one mile from Charlestown at the mouth of Buffaloe, five persons were killed, and two taken prisoners; there were three taken, but one got off, as follows:—The woman of the family was first taken, she was some distance from the house making sugar; they tied her to a sapling, and then left her and went to the house, during which time she by some means got loose and made her escape. The Indians brought her sucking infant to the place where they left her, and when they found her gone, beat the child's brains out against a tree, &c. I was at Buffaloe next day, after this happened, and saw the men just returning from burying the dead, and also talked with one of the men that was surprised at the fire before mentioned, perhaps you know him, he is brother to colonel Daniel Williamson, late sheriff of Washington,—he says when he got up to make his escape, an Indian caught him round the neck, but he with all his might threw the Indian on the ground, and being very dark, got away."

ANNAPOLIS, *March* 10.

PROCEEDINGS of CONGRESS.

In SENATE, February 25, 1791.

On motion, that the following resolution be entered into, to wit:

RESOLVED, That it be a standing rule that the doors of the senate chamber remain open whilst the senate shall be sitting in a legislative capacity, except on such occasions as in their judgment may require secrecy; and that this rule shall commence and be in force on the first day of the next session of congress.

The yeas and nays were required by one fifth of the senators present.

YEAS.—Messieurs Butler, Foster, Gunn, Hawkins, King, Lee, Maclay, Munroe, Schuyler. 9.

NAYS.—Messieurs Bassett, Carroll, Dalton, Dickinson, Ellsworth, Elmer, Few, Henry, Johnson, Johnston, Izard, Langdon, Morris, Read, Stanton, Strong, Wingate. 17.

So it passed in the negative.

A message was received from the president of the United States, informing the senate, that he had this day approved and signed the bill, entitled, An act to incorporate the subscribers to the bank of the United States, and the bill, entitled, An act regulating the number of representatives to be chosen by the states of Kentucky and Vermont.

The bill, entitled, An act fixing the time for the next annual meeting of congress, was read a second time and ordered that it pass to the third reading.

For the MARYLAND GAZETTE.

Messrs. PRINTERS,

I HAVE been favoured with the opinion of an orphans court of this shore, lately delivered upon the subject of the settlement of guardians accounts. Whether the sentiments expressed, or the rules established, by the court, be perfectly accurate, I shall not take upon myself to determine; but such as they are, their publication will at least have the effect of calling the attention of the public to a subject extremely interesting to orphans; and, upon a fair examination of their principles, may ultimately produce a propriety of practice in the courts. When we consider that a distinct tribunal is erected in each of the counties, whose opinions are unknown to each other, and from which appeals are rarely taken, and that, in the administration of justice, nothing is more desirable than an uniformity of decision, I trust I shall be excused in my endeavours to promote so valuable an end through the medium of your paper.

A FRIEND.

Eastern Shore, February 15, 1791.

The OPINION of the COURT.

AS the annual settlement of accounts by guardians is a subject of much importance to the property of orphans, as well as to the indemnification of their guardians, the court thought proper to reserve the first case, which occurred, for serious consideration. And in order to enable themselves to decide, with as much propriety as possible, they have taken into view the directions of former laws upon this business, and the practice which has prevailed in consequence; and then have considered the proper operation of the act of November session, 1785.

In viewing the effect of the former laws with regard to the *real estates* of orphan children, they have carefully traced the duties and privileges of guardians; and we think the following particulars proper to be mentioned.

Upon the appointment and qualification of a guardian, by entering into bond, and obtaining the usual certificate, it was his duty, within one month thereafter, under a certain penalty, to obtain a valuation of his ward's estate, pursuant to the terms of the act of assembly. This valuation was, or ought to have been, the fair result of a just estimate of the annual value of the estate, compared with the real situation and condition of the land, plantation, houses and improvements—with what more of the plantation the guardian might be permitted to clear and improve—and likewise with the yearly charge the guardian might incur by keeping and leaving the plantation, houses and improvements, in repair: but this estimate had also a respect to the *maintenance* of the orphan; but when considered with a view to this charge, it was unavoidably affected by the share of *personal property* which the orphan possessed.

Under these laws the practice, we believe, has invariably been—to charge the guardian with the annual amount of the valuation; to oblige him to comply with the *terms* of the return; to disallow all claims for the board, cloaths, medicine, or education of the ward; and to suffer him to derive all advantages from the rents, use or profits, of the estate besides.

With regard to *personal estates*, they find, that, upon the appointment and qualification of a guardian, he received an order from the court upon the executor for the delivery of the estate of his ward into his hands. Property of this nature was considered as classed into the following kinds—servants and slaves; money, plate, rings and jewels; cattle, horses and sheep; and household stuff and lumber.

Servants and slaves were to be appraised to the guardians, and he was accountable in any event for the like number in value, quality and species, or compellible to make up the deficiency in money. Money, plate, rings and jewels, were to be preserved, and delivered identically to the orphan. Cattle, horses and sheep, were to be returned by the guardian, the same in kind and value. Household stuff and lumber were to be appraised, and the amount was payable to the orphan in money or tobacco.

If any losses happened in this estate, they were sustained by the guardian; if it became increased, he was benefited by the gain. In the mean while he enjoyed the use and interest of the estate, and was presumed to apply the profits to the board, cloaths, physic, and education of his ward; and was accordingly *precluded* from claiming any allowance for these charges.

Thus were the laws understood and practised under previous to the year 1786. But at November session, 1785, the legislature were pleased to interpose, and to direct that guardians appointed thereafter should neither gain nor lose in the management of the estates of their wards, but should receive a reasonable compensation for their care and trouble. It is, perhaps, to be feared, that formerly it was too much the interest of guardians to neglect the proper maintenance and education of the orphans committed to their charge: And indeed the system of remoter periods might contemplate the improvement and cultivation of the earth, more than the advancement of science, manufactures and commerce; and the confinement of children to plantations, and inuring them to labours and habits of a rural nature, might be allowable in the sentiments of a people, who were solicitous to open the wilderness. But with a happier change of times the opinions of our citizens have also changed; and agriculture is but one of many objects which appear to have engaged the minds of the legislature; And how far they desire the promotion of the arts in general, in the care and education of the rising generation, is discoverable not only in the law we are considering, but also in the "act respecting apprentices," the execution of which deserves the watchful attention of those in whom the authority is vested.

But it is not necessary on this occasion to search more minutely into the motives which gave rise to the present regulation, since there can be no doubt that an honest performance of duty will very fully prove the justice and policy of it. Considered with relation to former laws, we may venture to declare that it does not alter in the least degree the manner in which a guardian was *to obtain possession* of the real or personal estate of the orphan; but it very essentially changes the manner in which he must *account* for it. From the connexion of the subjects contemplated by the law, and a fair consideration of its language and intention, the following opinion may be said down as a general rule:—That a guardian is accountable to his ward for the whole real and personal estate received into his care, and for all increase, rents, interest and profits, received by him in the faithful management thereof, and is entitled to allowance for all losses or decrease of the estate by unavoidable accidents, for all fair applications of the *profits* to the proper maintenance and education of his ward, for an application of one tenth part of the *principal* of the personal estate to his education annually, if directed by the court, and for such a commission upon the whole annual produce of the estate as the justices shall think right to allow.

In stating, therefore, and settling their annual accounts, the following particular rules ought to be at-

tended to by all guardians, and ſtrictly enforced by the court; and whenever an account is preſented, it muſt be examined by theſe rules, and allowed or rejected accordingly.

1. That in all accounts ſtated, the guardian, as the agent, muſt make himſelf the debtor.

2. That he muſt charge himſelf with the rents, profits, intereſt, and increaſe of the eſtate, whether real or perſonal, or both.

3. That by the preceding rule are intended the actual rent of houſes, lands and tenements, if leaſed out, or the actual net profits of ſuch eſtate, if occupied by the guardian; the intereſt of money at uſe, whether in his own hands, or in the hands of others; the hire of negroes or ſtock, or an adequate compenſation for their ſervices, if employed by the guardian; the increaſe of the eſtate, by the birth of ſlaves, or the multiplication of the ſtock; and generally any addition to the eſtate by other or whatever means.

4. That each of theſe charges muſt be made diſtinctly in the account; and the beſt evidence produced of their truth, that the nature of each caſe will admit of.

5. That each charge ſhall have reference to a date, expreſſing the year, month and day.

6. That the guardian ſhall be entitled to a credit in ſuch account for the board, cloaths, phyſic, maintenance, and education of his ward; but the court ſhall in every inſtance determine the quantity of theſe allowances, the propriety of which muſt be governed by the quality and produce of the eſtate, and the circumſtances of the orphan.

7. That no allowance can be claimed by the guardian for a deduction of the principal of the real eſtate by him on any account whatever.

8. That if the produce of the whole eſtate be inſufficient to maintain and educate the minor in a proper manner, the court may allow the guardian to apply not exceeding one tenth part of the principal of the perſonal eſtate towards *his education*, if it ſhall appear to them to be for the benefit and advantage of the orphan.

9. That the guardian ſhall be entitled to an allowance for all loſſes occaſioned by the unavoidable decreaſe of the eſtate; and for the payment of all public aſſeſſments chargeable to him; and for all buildings and repairs actually made in compliance with the terms of the valuation and return.

10. That the *produce* of the eſtate is not to be exceeded by the allowances made to the guardians, except by loſſes occaſioned by its decreaſe, or by an application of part towards the education of the orphan under the limitation before mentioned.

11. That before any allowance ſhall be made to the guardian, the neceſſary proof or voucher ſhall be produced, unleſs it be ſuch as the court ſhall be empowered to determine upon themſelves.

12. That each allowance, for which a credit may be claimed, ſhall likewiſe have reference to a date, expreſſing the year, month and day.

13. That every guardian ſhall be entitled to a commiſſion upon the whole annual *produce* of the eſtate, not exceeding ſeven per cent and to be rated according to his *care and trouble* in managing the eſtate.

14. That every ſuch account ſhall be ſubſcribed by the guardian, and proved; and on the paſſage thereof, ſhall be filed and ordered to be recorded.

15. That if it ſhall appear to the court, upon the exhibition of a guardian's account, that the increaſe or profits of the eſtate, to which the ward is entitled, are not ſufficient for the maintenance, ſupport, and education of the orphan, a report thereof ſhall be made to the juſtices of the county court, that they may exerciſe their power of binding out ſuch orphan as an apprentice to ſome uſeful avocation.

Note.—I have ſubjoined a feigned account founded upon the foregoing rules, with a view to offer an example to explain their intention to thoſe, who, from the ſmallneſs of their income, cannot afford to pay for the aſſiſtance of counſel. And though, from the number and nature of its items, it has relation to an eſtate of more than common value, yet it will not for this reaſon be leſs uſeful in the ſtatement of the profits and expenditures of more moderate fortunes, ſince the meaning of what profits are chargeable, and of what expenditures are allowable, will be equally diſcernible.

Dr. JOHN DOE, Guardian of RICHARD ROE, an Orphan, in Account with the Eſtate of the ſaid Orphan, Cr.

		£.	S.	D.
1788.				
April 10.	To the balance transferred from his preceding account,	5	10	6
1789.				
Jan. 15.	To caſh received of John Farmer in full for one year's rent of the lands and tenements of the ſaid orphan, ending the 31ſt of December laſt, as per leaſe,	37	10	0
March 1.	To caſh received of Richard Fenn in full for the hire of negro Sambo for one year, ending on yeſterday,	15	0	0
Same day.	To the uſe of negro Sylvia for one year, occupied by the ſaid guardian,	5	0	0
15.	To caſh received of Peter Broker in full for one year's intereſt upon £ 50 0 0 loaned, as per bond,	3	0	0
April 3.	To caſh received of Luke Morris in full of the principal and intereſt of a debt due to the ſaid orphan, viz. principal £ 22 10 0, intereſt 45ſ.	24	15	0
11.	To the increaſe of his eſtate by the birth of a negro boy, now nine months old,	7	10	0
Same day.	To caſh received of John Truitt for the hire of a yoke of oxen for two months laſt ſummer,	0	15	0
		£. 99	0	6
	To balance due to the eſtate, and to be transferred to the ſucceeding account,	£. 20	16	4

JOHN DOE.

		£.	S.	D.
1788.				
May 3.	By caſh paid Dr. William Phyſic for medicines, and attendance on the orphan laſt fall, as per bill No. 1,	1	7	6
28.	By caſh paid Francis Merchant for linen, cloth, nankeen, hoſiery, &c. as per bill No. 2,	11	8	10
Same day.	By caſh paid Jacob Shoemaker for two pair of ſhoes and mending, &c. as per bill No. 3,	1	2	0
30.	By caſh paid Samuel Thimble for making ſundry articles of cloathing, as per bill No. 4,	2	7	6
July 10.	By ſundry expenditures during the lying in of negro Sylvia, and for the loſs of her ſervice,	1	5	0
Oct. 10.	By caſh paid Jonas Workman for building and completing a corn houſe of hewed logs, 18 by 10, on the premiſes, in compliance with the terms of the valuation, as per bill No. 5,	4	15	0
1789.				
Feb. 12.	By caſh paid the collector for aſſeſſment and county charges on the eſtate of ſaid orphan, as per account No. 6,	2	3	6
March 20.	By caſh paid Noah Keeport at Newark for the board of ſaid orphan one year, ending the firſt inſtant, as per receipt No. 7,	16	0	0
Same day.	By caſh paid Paul Method for tuition money, 85ſ. and for two ſchool-books 10ſ 6, as per bill No. 8,	4	15	6
Same day.	By caſh left in the hands of Noah Keeport for the occaſional uſes of the orphan, as per receipt No. 9,	1	10	0
26.	By ſundry travelling expences to and from Newark,	1	15	0
April 6.	By caſh loaned to James Chapman at intereſt, as per bond,	24	15	0
11.	By commiſſions on the whole annual produce of the eſtate, viz. £ 71 0 0 at 7 per cent.	4	19	4
	By balance due to the eſtate,	20	16	4
		£ 99	0	9

April Term, 1789.

ON the 11th day of April, anno domini 1789, the above named John Doe made oath on the holy evangels of Almighty God, "that the foregoing account, as it ſtands ſtated, is juſt and true:" And thereupon after due examination thereof, and of the ſeveral vouchers therein referred to, the ſame is allowed by the court, and ordered to be recorded.

Teſt. JOHN PENMAN, Regiſter.

By virtue of a deed of truſt to the ſubſcriber, to ſatisfy judgments, will be SOLD, for CASH.

A valuable FARM, containing about three hundred and forty-eight acres of land, in a healthy ſituation, on Elk-Ridge, in Anne Arundel county, about fourteen miles diſtant from Baltimore-town. The improvements on this farm are very convenient, and in good repair; the dwelling houſe has four rooms below ſtairs, and five above, with two brick chimnies at each end, and a garden adjoining it, well paled in; near fifty acres are now in excellent timothy meadows, and thirty more may be made with eaſe. There is on this place an apple orchard containing three hundred bearing trees, with a great variety of other fruit—thirty-ſix buſhels of wheat, and fourteen of rye, were put in corn ground early laſt fall. This farm, from its improvements and preſent ſtate of repair, may be deemed a deſirable object of purchaſe to any perſon who is anxious to obtain a place already ſettled, and fit for his immediate reſidence. It is offered at PRIVATE SALE till the 15th day of April next, on which day, if not before diſpoſed of, it will be ſold, on the premiſes, to the higheſt bidder, for caſh.

Mr. JOSHUA DORSEY, the preſent occupier, will ſhew the land to any perſon inclined to purchaſe

JAMES CARROLL.

Baltimore Town, March 2, 1791.

To the VOTERS of ANNE-ARUNDEL County.

GENTLEMEN,

AT the particular ſolicitation of my friends, I am induced to offer myſelf a candidate for the enſuing ſheriffalty, and to requeſt your ſuffrages.

Having ever made it my ſtudy, ſince being engaged in the ſervice of the public, to render general ſatisfaction, I am bold to conclude my requeſt will not be deemed preſuming.

I have the honour to be with reſpect,

GENTLEMEN,

Your moſt obedient

Humble ſervant,

MORDECAI HALL.

Weſt River, March 7, 1791.

CALVERT County, February 25, 1791.

On TUESDAY the 15th of MARCH next, if fair, if not the firſt fair day thereafter, will be offered for SALE, for ready money, at the late dwelling of ALEXANDER FRAIZER, Eſquire,

A NUMBER of valuable negroes, houſehold furniture, plantation utenſils, and a valuable library of books.

All and every perſon having claims againſt the ſaid eſtate are once more requeſted to bring them in properly attefted without delay.

PETER EMERSON, Attorney for JOHN A. FRAIZER, Adminiſtrator.

By virtue of a writ of *venditioni exponas*, to me directed, will be EXPOSED to PUBLIC SALE, on Tueſday the 22d day of this inſtant, on the premiſes, for ready caſh only,

PART of a tract of LAND called MOREHOUSE GENEROSITY, ſuppoſed to contain one hundred and thirty-five acres; and DORSEY'S ADDITION TO THOMAS'S LOT, fifteen acres; ſeized and taken as the property of Baſil Ridgely, and to be ſold to ſatisfy a debt due Charles Worthington's adminiſtrators, for the uſe of Samuel Worthington.

BEN. HOWARD, Sheriff of Anne Arundel county.

March 3, 1791.

To be SOLD, LEASED for a Term of Years, or RENTED by the Year,

ONE whole lot of GROUND, in the city of Annapolis, ſituated on navigable water, with a tenement thereon ſuitable for a ſmall family, and ſeveral other uſeful buildings; a large and commodious tan-yard and tan-houſe, and a fine mill for grinding bark. The tan yard has been built within theſe five years, is perfectly new, and in exceeding good order. Poſſeſſion will be given the 22d of June next, when the preſent tenant's time will expire. Any perſon who may be diſpoſed to rent or purchaſe, may apply to the ſubſcriber in Annapolis, and know the terms.

THOMAS HYDE.

N. B. The ſeaſon is approaching to lay in a ſtock of bark and other neceſſaries for carrying on the buſineſs to advantage.

February 25, 1791. tf

The SUBSCRIBER informs his friends, that he has juſt received, via Baltimore, and by the Nantes, and now opening,

An ASSORTMENT of

Spring and Summer GOODS.

ALSO, by the George and Patty Waſhington, from GERMANY,

An ASSORTMENT of

LINENS,

Conſiſting of

Beſt Ticklenburgs, Oſnabrigs of firſt, ſecond and third qualities; yard wide DOWLAS, BROWN ROLLS, HOLLANDS, STRIPES, &c. which will be SOLD low for CASH, TOBACCO, or ſhort credit to punctual men.

HE HAS ALSO,

SPIRIT, Weſt-India RUM, genuine French BRANDY, Loaf and Brown SUGARS, TEAS, COFFEE, CHOCOLATE, CANDLES, SPICES, &c. for CASH only, by

EDWARD HALL.

NOTICE IS HEREBY GIVEN,

THAT I do intend to apply to the juſtices of Anne-Arundel county court for a commiſſion to fix and bound the head of CARTER'S Creek, and the antient line of CARTER BENNETT, from thence to HOLLAND ADDITION, and to bound the ſame and HOLLAND ADDITION, and my part of CARTER BENNETT, lying in the aforeſaid county, agreeable to a late act of aſſembly in this caſe provided.

March 1, 1791. F. SCRIVENER.

TAKEN up adrift, at the mouth of South river, a ſmall TOW BOAT, about ſeven feet keel, and about eight feet from her ſtem to the end of her ſtern, about four feet beam, her gunwales broke; ſhe appears to have been in the ice; ſhe has ſome red places on her bottom. The owner may have her again by proving her and paying charges to

March 5, 1791. W. SANDERS.

FUNDED DEBT
OF THE
UNITED STATES.

FORM
OF
A POWER of ATTORNEY,
To transfer STOCK.

KNOW all men by these presents, that ——— do make, constitute and appoint, ——— true and lawful attorney, for — and in — names, to sell, assign and transfer, —— the ——— stock, standing in ——— name, in the books of ——, with power also, an attorney or attornies under — for that purpose to make and substitute; and to do all lawful acts requisite for effecting the premises; hereby ratifying and confirming all that — said attorney, or — substitute or substitutes, shall do therein by virtue hereof.

IN WITNESS whereof —— have hereunto set —— hand and seal the ——— day of ——— in the year of our Lord one thousand —— hundred and ——.

(L. S.)
(L. S.)

Sealed and delivered
in the presence of

On the back of the above the following ACKNOWLEDGMENT *must be made.*

BE IT KNOWN, That on the —— day of —— one thousand —— hundred and ——, before me ——, came ———, and acknowledged the within letter of attorney to be — act and deed.

IN TESTIMONY whereof I have hereunto set my hand, and ——— affixed ——— the day and year last aforesaid.

Directions.

IF the power is to extend to the whole of the stock, the word "all" is to be inserted after the word "transfer;" if only to part, the particular sum is to be inserted, with the addition of the words "being part of;" if power is to extend only to a certain species of stock, it may be expressed in the different cases by inserting in the blank between the words "the" and "stock," the words "funded six per cent." (which will designate the stock bearing a present interest,) or the words "funded three per cent" (which will designate the three per cent. stock,) or the word "deferred,") which will designate the stock bearing interest at the end of ten years,) or the word "unfunded," (which will designate the unsubscribed part of the debt.)

If no power of substitution is desired to be given, the whole that relates to it to be omitted. The place of abode and quality of each witness to be written against his name.

The acknowledgment may be taken before any judge of a court of the United States; or of a superior court of law or equity, in any state, or of a county court; or before the mayor, or other chief magistrate of any place; or before a notary public.

In the acknowledgment, if the seal of a court or corporation is to be affixed, the words "cause to be" may precede the word "affixed." The blank immediately following to be filled up with a designation of the seal, as that it is the seal of a certain court, naming it; or the seal of a certain corporation, naming it; or the seal of office of the party before whom the acknowledgment is taken, if he has one, or if he has none, with the words "my seal."

If there be no public or official seal to the acknowledgment, proof of the execution of the power must be made by oath or affirmation of one of the witnesses, to be taken before some person duly authorised at the place where the transfer is to be made.

FORM
OF
A POWER of ATTORNEY,
To receive INTEREST.

KNOW all men by these presents, that ——— do make, constitute and appoint, ——— true and lawful attorney, for — and in — name, to receive the interest ———, the stock standing in — name, in the books of ——— with power also, an attorney or attornies under — for that purpose to make and substitute; and to do all lawful acts requisite for effecting the premises; hereby ratifying and confirming all that — said attorney, or — substitute or substitutes, shall do therein by virtue hereof.

IN WITNESS whereof —— have hereunto set —— hand and seal the ——— day of ——— in the year of our Lord one thousand —— hundred and ——.

Sealed and delivered
in the presence of

BE IT KNOWN, That on the —— day of —— one thousand —— hundred and ——, before me came ———, and acknowledged the above letter of attorney to be — act and deed.

IN TESTIMONY whereof, I have hereunto set my hand —— the day and year last aforesaid.

Directions.

IF the power is to be general, the words "now due or which shall hereafter grow due upon," are to be inserted after the word "interest;" if not general, the time for, or to which the interest is to be received, to be specially expressed after the word "interest."

If no power of substitution is desired to be given, the whole that relates to it to be omitted; the place of abode, and quality of each witness, to be written against his name.

The acknowledgment may be taken before any judge of a court of the United States, or of a superior court of law or equity, in any state; or of a county court; or before the mayor or other chief magistrate of any place; or before a notary public.

In the acknowledgment, if the seal of a court or corporation is to be affixed, the words "caused to be" may precede the word "affixed," the blank immediately following to be filled with a designation of the seal, as that it is the seal of a certain court, naming it; or the seal of a certain corporation, naming it; or the seal of office of the party before whom the acknowledgment is taken, if he has one, or if he has none with the words "my seal."

If there be no public or official seal to the acknowledgment, proof of the execution of the power must be made by oath or affirmation of one of the witnesses, to be taken before some person duly authorised, at the place where the transfer is to be made.

FORM of a TRANSFER,
When made in person.

I ———, the within named, do hereby, for value received, assign and transfer over ———, being the within debt, (or, if a part, mention the sum, and after the word "being" add "part of") to ———. Witness my hand, at the office of ———, this —— day of ———, ———.

FORM of a TRANSFER,
By POWER of ATTORNEY.

I ———, by virtue of a power of attorney from the within mentioned ———, do hereby, for value received assign and transfer over ———, being the within debt, (or, if a part, mention the sum, and after the word "being" add "part of") to ——. Witness my hand at the office of ———, this ——— day of ———, ———.

FORM of a TRANSFER,
By LETTER of ATTORNEY, under a power of SUBSTITUTION.

I ———, by virtue of a power from ———, duly authorised by letter of attorney, with power of substitution, from the within mentioned ———, do hereby, for value received, assign and transfer over ———, being the within debt, (or, if a part, mention the sum, and after the word "being" add "part of") to ———. Witness my hand, at the office of ———, this —— day of ———, ——— 15

TO BE SOLD,

On the premises, (as per decree of the chancellor) on bond with approved security, on Wednesday the 16th of March next, if fair, if not the next fair day, the following tracts of LAND, in Dorchester county, viz.

NEW-MARKET, containing 22 acres of land, with dwelling and outhouses; BENNETT's PASTURE, six acres, adjoining; GREEN TIMBER YARD, sixty-five acres; all on Hunger river. HOG-QUARTER, 250 acres, on Black-Water.

CHARLES STEUART, Administrator
of JOHN BENNETT.

To be SOLD,
A new BRICK HOUSE,
In the City of Annapolis,

FORTY feet by twenty-four, fronting on Church-street and Cross-street, next door to Mr. Charles Steuart's, and opposite to Mr. Joseph Clark's; there is also on the premises a brick building, 30 feet by 18, which may be appropriated for a kitchen, and warehouse, if necessary; also, ground sufficient to make a good garden. The above house is well calculated for a store, and the accommodation of a family. For terms apply to Messieurs WALLACE and MUIR.

Dec. 9, 1789. JOSEPH DOWSON.

JAMES MILLS, son of JOHN, of St. Mary's county, intends petitioning the general assembly, at their next session, for a law to authorise the justices of the county aforesaid, to assess a sum of money yearly for his support.

February 4, 1791. w 8

SIX DOLLARS Reward.

RAN away from the subscriber, living in this city, on Monday the 28th instant, a negro man named JAMES ORKER, about twenty-five years of age, five feet eight or nine inches high, full faced well looking fellow, talks slow, and rather a down look; had on, when he went away, a cloth jacket, osnabrig shirt and trousers, an old castor hat, carried with him some working cloaths. Whoever apprehends the said fellow, and secures him, so that I can get him again, shall receive the above reward, paid by

tf RICHARD WELLS.

Annapolis, June 30, 1790.

WILLIAM FOXCROFT,
At the Sign of the Golden Bee-Hive,

Most respectfully acquaints his friends and the public, that he has commenced business at the store lately occupied by John Perry, and Co. at the upper end of Corn-Hill street, facing the State-house, where he is now opening,

A Neat and General ASSORTMENT of

DRY GOODS,
CONSISTING OF

Fashionable, Superfine & Second Clothes,
Three quarters and seven-eighths stripe Clothes,
Cassimers,
Superfine, stripe & plain Coating,
Cardinals,
Halfthicks,
Knapt Cottons,
Flannels,
Baizes,
Welsh Plains,
Duffil Blankets,
Durants,
Caliniancoes,
Jones Spinning,
Moreens,
Wildboars,
Crapes,
Muslinets,
Muslins of all sorts,
Plain, stripe and spotted Gauzes,
Royal Ribbs,
Thicksiet,
Satinets,
Jeans,
Fustains,
Corduroys,
Black Princess Stuff,
Cottons and Calicoes,
Cotton & Chintz Shawls,
Cotton and Linen Handkerchiefs,
Black Silk & Love Handkerchiefs,
Table Cloths,
Bed-Ticks,
Bed-Bunts,
Checks, ¾ and yard wide,
Cotton Stripes,
7-8 and yard wide Irish Linens,
Ink-Powder,
Snuff,
Ladies fashionable Beaver, and Gentlemen's Fine Hats,
Coarse ditto,
Fashionable Coat & Vest Buttons,
Imperial ditto,
Tapes,
Bindings,
Thread,
Edging and Bobbing,
Ladies and Gentlemen's Cotton, Silk & Worsted Hose,
Silk and Cotton Fatal ditto,
Ladies Gloves,
Gentlemen's Beaver ditto,
Best Philadelphia & common Stuff Shoes,
Ironmongery,
Queen's Ware, &c. &c.

Which, from their reduced prices, goodness of quality, and his unremitted endeavours to please, will, he hopes, merit the attention of a generous public.

ALSO,—a few

Barrels of Apples.

To be SOLD cheap.

January 7, 1791.

NOTICE is hereby given, that I intend to petition the justices of Cæcil and Kent county courts, at their next sessions, for a commission to prove and mark the bounds of the following tracts of land, viz. HOLT, HEATH'S OUTLET, WORSELL MANOR, HEATH'S RANGE, the first part, and SEDGEFIELD, lying in Cæcil, and HEATH'S RANGE, the second part, lying in Kent county, agreeably to an act of assembly in that case made and provided. 6w

DANIEL CHARLES HEATH.

JUST PUBLISHED,
And to be SOLD,
At the PRINTING-OFFICE,
Price Ten Shillings,
THE
LAWS
OF
MARYLAND,
Passed at
NOVEMBER SESSION,
Seventeen Hundred and Ninety.
ALSO,
Price Nine Dollars,
The late Edition of the LAWS of MARYLAND, bound in sheep—And also a few sets of the LAWS since that publication, price two Guineas, in sheets.——All kinds of PRINTING WORK performed in a neat, expeditious, and correct manner, on the shortest notice, and on the most reasonable terms ——

Notice.

ALL persons having claims against the estate of VACHEL YATES, late of the city of Annapolis, are desired to bring them in legally proved, and those indebted are requested to make payment.

JOSHUA YATES, Exec'r.

February 21, 1791.

Annapolis: Printed by Frederick and Samuel Green.